SECRETARY OF STATE[721]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 47.1 and 17A.3, the Secretary of State amends Chapter 21, "Election Forms and Instructions," Iowa Administrative Code.

These amendments are necessary to provide an extension of an upcoming deadline for calculating voter registration totals when that deadline falls on a day on which the auditor's office is closed. These amendments also rescind a rule related to absentee ballots returned by mail without postmarks that a district court judge in November 2010 ruled inapplicable to a ballot received by the Wapello County Auditor's office.

Pursuant to Iowa Code section 17A.4(3), the Secretary of State finds that notice and public participation are unnecessary because one amendment is purely technical and results in no substantive change to the election process and the other amendment rescinds a rule that was determined by a judge to be in conflict with an Iowa Code section.

Pursuant to Iowa Code section 17A.5(2)"b"(2), the Secretary of State further finds that the normal effective date of these amendments, 35 days after publication, should be waived and these amendments should be made effective upon filing. The normal effective date should be waived because one amendment is necessary before May 1, 2011, and the other amendment rescinding the rule should be effective as soon as possible. Both amendments confer benefits on the voting public by eliminating an unnecessary requirement and by rescinding a rule that has been judicially determined to conflict with a statutory provision.

These amendments are also published herein under Notice of Intended Action as **ARC 9467B** to allow for public comment.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 277.4 and 279.7.

These amendments became effective March 31, 2011.

The following amendments are adopted.

ITEM 1. Rescind and reserve rule **721—21.360(53)**.

ITEM 2. Amend rule 721—21.500(277) as follows:

721—21.500(277) Signature requirements for school director candidates. The number of signatures required to be filed by candidates for the office of director in the regular school election shall be calculated from the number of registered voters in the district on May 1 of the year in which the election will be held. If May 1 falls on a day when the commissioner's office is closed for business, the commissioner shall use the number of registered voters in the district on the next day that the commissioner's office is open for business to determine the number of required signatures. Candidates who are seeking election in districts with election plans as specified in Iowa Code section 275.12(2)"b" and "c," where the candidate must reside in a specific director district, but is voted upon by all of the electors of the school district, shall be required to file a number of signatures calculated from the number of registered voters in the whole school district. Candidates who will be voted upon only by the electors of a director district shall be required to file a number of signatures calculated from the number of registered voters in the director district in which the candidate resides and seeks to represent.

If a special election is to be held to fill a vacancy on the school board, the number of registered voters on the ~~first day of the month preceding the~~ date the commissioner receives notice of the special election shall be used to calculate the number of signatures required for the special election.

This rule is intended to implement Iowa Code sections 277.4 and 279.7.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/20/11.